

REMARKS/ARGUMENTS

In response to the Final Office Action of November 4, 2005, Applicants respectfully request entry of the foregoing amendments, which Applicants believe place the present application in condition for allowance.

Claims 11-28 remain rejected under 35 U.S.C. § 112, first paragraph, as allegedly directed to non-enabled subject matter. The position of the Examiner is that the specification enables the treatment of neointimal proliferation and thickening and/or restenosis and/or vascular occlusion following vascular injury as well as treatment of chronic rejection in a recipient of organ or tissue transplant or acute chronic rejection in a recipient of organ or tissue xenograft transplant, via administration of 40-O-(2-hydroxy)ethyl-rapamycin and a second agent. According to the Examiner, however, the specification does not reasonably provide enablement for the prevention of these same conditions.

In order to advance prosecution of this application, Applicants have replaced the word "preventing" with the word "inhibiting" in claims 11 and 20 as the Examiner has recommended on page 4 of the Office Action. Applicants reserve the right to pursue the subject matter deleted from claims 11 and 20 in one or more continuation applications. Support for this amendment may be found throughout the specification, e.g., pages 8-9 of the specification, where it is demonstrated that the compounds of formula I, significantly inhibit graft infiltration and neointima formation in animals receiving an aorta transplant. In view of the amendments to claims 11 and 20, withdrawal of the rejection of claims 11-28 under the enablement provision of 35 U.S.C. § 112, first paragraph is warranted.

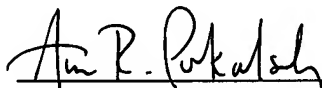
Claims 11-28 also remain rejected under 35 U.S.C. § 103(a). On page 2 of the Office Action, the Examiner has indicated that the rejection under 35 U.S.C. § 103(a) as

set forth in the previous office action dated March 7, 2005, has been withdrawn, as pertains to preventing or treating neointimal proliferation and thickening and/or restenosis and/or vascular occlusion for vascular injury with 40-O-(2-hydroxy)ethyl-rapamycin with an effective amount of a second ingredient. In order to advance prosecution of this application, Applicants have deleted from claim 11 the recitation: "manifestations of chronic rejection in a recipient of organ or tissue transplant, or acute or chronic rejection in a recipient of organ or tissue xenograft transplant." Applicants reserve the right to file one or more continuation applications directed to the subject matter deleted from claim 11. Accordingly, withdrawal of the rejection of claims 11-28 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing remarks and amendments, it is firmly believed that the subject case is in condition for allowance, which action is earnestly solicited.

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Respectfully submitted,



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